

**REMARKS**

Claims 8-27 are pending. No claim amendments have been made herein.

Claims 8-20, 22-25, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,674,044 (“Kalmus”) in view of Ichbiah, J.; Barnes, J.; Firth, R.; and Woodger, M., *Rationale for the Design of the ADA Programming Language*, Cambridge University Press (1991), pages 109-112, 149-150 (“Ichbiah”) and Coughlin, George Gordon, *Your Handbook of Everyday Law, 5<sup>th</sup> Ed.*, Harper Collins Publishing. New York, NY, 1993, pp. 50-51 (“Coughlin”). Claims 21 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalmus, Ichbiah, and Coughlin, as applied to claims 16 and 23 above, and further in view of Terano, T.; Sugeno, M.; Mukaidono, M.; Shigemasu, K., *Fuzzy Engineering Toward Human Friendly Systems*, Ohmsha (1992), pages 574-577 (“Terano”).

**Rejection of claims 8-20, 22-25, and 27 under 35 USC § 103(a)**

Claims 8-20, 22-25, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalmus in view of Ichbiah and Coughlin. This rejection is respectfully traversed.

The Examiner has withdrawn the previous rejection and has supplemented the rejection with Ichbiah. On page 4 of the Office Action, the Examiner recognizes that “Kalmus does not teach a system comprising a processor which is configured to dynamically create sets of class components to hand (sic) one or more transactions; wherein each set of class components is dynamically created for each customer attempting to execute a transaction; nor the processor comprises a timer wherein the trade request from the customer is automatically revoked at a predetermined duration of time if the trader does not accept the trade request.” In order to cure this deficiency, the Examiner asserts that “Ichbiah discloses a system comprising: a processor which is configured to dynamically create sets of class components (objects) to hand one or more transactions (program executions).... wherein each set of class components (objects) is dynamically created for each customer attempting to execute a transaction (program execution).” However, also Ichbiah fails to cure the deficiencies of Kalmus.

Ichbiah does not teach that each set of class components is dynamically created for each customer attempting to execute a transaction. On pages 109 and 149, as cited by the Examiner, Ichbiah recites that objects are dynamically created during the execution of a program. But

Ichbiah fails to teach that a program is executed for each transaction. Also, Ichbiah does not teach that a set of class components is dynamically created for each customer. Ichbiah does not recite in any way how class components can be used for customers in a financial transactions. Indeed, the Examiner's assertion of Ichbiah can cause the same problems addressed in the Background of the pending application:

While a single class can operate on multiple objects of that class, a bottleneck occurs if too many objects are in need of class resources at one time. More specifically, in this conventional system, each trader in the exchange is given his/her own object of the class. If there are thousands of traders trying to execute trades simultaneously, the computer will continuously access the class definitions and functions to execute those trades. If there are more objects accessing class resources than the system can process at one time, the computer will begin to generate error messages and prevent certain trades from being executed. In a very bad scenario, the computer may shut down from this overload.

Page 5, lines 4-16. Accordingly, the solution offered by the Examiner and as taught by Ichbiah -- creating objects for each transaction -- can lead to disastrous results. Indeed, Ichbiah does not suggest solution for overcoming the problem identified by the pending application. Under *KSR* or even the teaching-suggestion-motivation test, the cited references do not, alone or in combination, disclose how to overcome the identified problem.

In contrast, one embodiment of the pending application dynamically creates multiple classes proportional to the number of clients attempting to execute securities transactions at that time. *See* Page 5, lines 19-23. Each class has the capability to process a plurality of objects at a single time. Page 5, line 23 - page 6, line 1. In contrast, the Examiner's explanation of the cited art suggests only that a class can be created for each transaction, not for each customer.

Therefore, Kalmus, Ichbiah, and Coughlin fail to teach each and every element of independent claims 8, 16, 18, and 23. Because claims 9-15, 17, 19, 20, 22, 24, 25, and 27 depend on claims 8, 16, 18, and 23 and incorporate the limitations therefrom, claims 9-15, 17, 19, 20, 22, 24, 25, and 27 are also allowable in view of Kalmus, Ichbiah, and Coughlin. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

#### **Rejection of Claims 21 and 26 under 35 U.S.C. § 103(a)**

Claims 21 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalmus, Ichbiah, and Coughlin, as applied to claims 16 and 23 above, and further in view of Terano. This rejection is respectfully traversed. As discussed above, claims 16 and 23 are

believed to be allowable in view of Kalmus, Ichbiah, and Coughlin. Because claims 21 and 26 incorporate all of the limitations of claims 16 and 23, respectively, claims 21 and 26 are believed to be allowable. Terano fails to cure the deficiencies of Kalmus, Ichbiah, and Coughlin. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

**CONCLUSION**

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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